

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

**21-CV-1420 TLF**

DONN E CURBOW  
4544 ALAMO WAY  
OAK HARBOR WA 98277

Plaintiff(s),

v.

Division of Child Support  
Enforcement Officers  
Everett, WA

Defendant(s).

CASE NO. \_\_\_\_\_  
[to be filled in by Clerk's Office]

COMPLAINT FOR A CIVIL CASE

Jury Trial: ☒ Yes ☐ No

FILED  
LODGED  
RECEIVED

**MAIL**

OCT 15 2021

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

**I. THE PARTIES TO THIS COMPLAINT**

A. Plaintiff(s)

*Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.*

Name	<u>DONN E CURBOW</u>
Street Address	<u>4544 ALAMO WAY</u>
City and County	<u>OAK HARBOR</u>
State and Zip Code	<u>WA 98277</u>
Telephone Number	<u>360. 660. 0362 CEU</u>

B. Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Don Clintzman

Job or Title (if known)

Acting Secretary

Street Address

Box 45131

City and County

Olympia

State and Zip Code

WA 98504-45131

Telephone Number

1-800-833-6384

Defendant No. 2

Name

THEA DRAKE

Job or Title (if known)

Enforcement Officer

Street Address

P.O. Box 11520

City and County

TACOMA

State and Zip Code

WA 98411-5520

Telephone Number

1-800-729-7580

Defendant No. 3

Name

George Briggs

Job or Title (if known)

Enforcement Officer

Street Address

P.O. Box 11520

City and County

TACOMA

State and Zip Code

WA 98411-5520

Telephone Number

1-800-729-7580

Defendant No. 4

Name

DARCE COOPER

Job or Title (if known)

Enforcement Officer

Street Address

P.O. Box 11520

City and County

TACOMA

State and Zip Code

WA 98411-5520

Telephone Number

1-800-729-7580

#5 See attached

## II. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☐ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual.

The plaintiff (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

b. If the plaintiff is a corporation.

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual.

The defendant, (name) DON CLINTSMAN, is a citizen of the State of (name) WASHINGTON. Or is a citizen of (foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation.

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy.

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (*explain*):

**III. STATEMENT OF CLAIM**

*Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.*

See attached

**IV. RELIEF**

*State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.*

See attached

**V. CERTIFICATION AND CLOSING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper

1 purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;  
2 (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or  
3 reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so  
4 identified, will likely have evidentiary support after a reasonable opportunity for further  
5 investigation or discovery; and (4) the complaint otherwise complies with the requirements of  
6 Rule 11.

7 I agree to provide the Clerk's Office with any changes to my address where case-related  
8 papers may be served. I understand that my failure to keep a current address on file with the  
9 Clerk's Office may result in the dismissal of my case.

10 Date of signing:

10-13-21

11 Signature of Plaintiff

Don E Curbow

12 Printed Name of Plaintiff

DONN E CURBOW

14 Date of signing:

15 Signature of Plaintiff

16 Printed Name of Plaintiff

18 Date of signing:

19 Signature of Plaintiff

20 Printed Name of Plaintiff

## Statement of Claim

**The intentional affliction of emotional distress is defined as extreme or outrageous conduct that intentionally or recklessly causes emotional distress to the victim. Extreme or outrageous conduct is generally defined as being beyond all possible grounds of decency.**

### **Damage:**

In early 2017 during a Home Buy, Mr. Curbow was notified that DCS of Everett was reporting child support payments of \$60,000.00 per month and that he was denied credit.

In late 2017 Mr. Curbow lowered his child support for Case #1743447 for not working. In February of 2018, his child support was again lowered to \$41 per month. However, DCS of Everett was reporting over \$9000.00 per month in child support ignoring the law and a judge's order.

In 2018, Mr. Curbow petitioned DCS of Everett to have all the paperwork on both cases mailed to him. Didn't happen. Their internal paperwork however shows a calculated intent to ruin Mr. Curbow's credit through harassments, threats and lies. DCS took on the responsibility in both cases to make sure proper reporting was being done under several enforcement officers and failed to do so. Their direct incompetence through the eOscar system resulted in Mr. Curbow's credit being destroyed and hasn't allowed him to take care of his family at the same time he was making his payments and cooperating with DCS. Washington State Gov was contacted, the AG of Washington was contacted, the FTC in Washington State was contacted, this should have been fixed years ago not only for me but for others also who found themselves in the arrears whether it was there fault or as in my case not my fault.

The policies set forth at the Division of Child Support since 2009 have been beyond what a federal agency should be doing. Don Clintsman, acting Secretary states he provides executive level strategic and policy direction for the department while supporting the success of all programs through information technology services, human resources, communications, innovation and strategy, public records and diversity and inclusion.

Don Clintsman knows my file because it's the longest lasting file on record. I guess those policy changes he's been making haven't been the greatest ones.

Donn Curbow  
4544 Alamo Way, Oak Harbor Wa 98277  
360.660.0362



Claim #1.

Thea Drake, current support enforcement officer dated Sept 13 2021 sent letter for Wash Drivers Lic suspension effective Oct 31, 2021 unless I do the following: Review and sign payment agreement. Ms. Drake was told in March of 2021 that Mr. Curbow is 100% disabled from the military and that it's unlawful to suspend his license. This is her second attempt at harassment and threatening. Both cases are currently closed because of a Cease and Desist Order sent in May of 2021. Ms. Drake was made aware of both cases and the history but made no attempts at stopping the wrongful payment amounts to the credit bureaus after being told to do so. In a direct email with Mr. Curbow, Ms. Drake lied about closing the cases.

Mr. Curbow is entitled to relief and Ms. Drake should be relieved of her duties at the Division of Child Support.

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Claim #2.

George Briggs, enforcement officer 2019 time frame. On Jan 18, 2019 Mr. Briggs sent Mr. Curbow an income withholding for support letter on Colton Curbow. The Order Information on the bottom of the front page states Mr. Curbow is to pay 103.00 per month for child support. An order was issued Dec 2017 by Law Judge Jason C. Kinn. Under the \$103.00 per month payment it reads 48,343.60 per month. Total withholding amount: 48,446.60 per month. Either Mr. Briggs typed this out wrong or the eOscar system is on autopilot; either way both are wrong. The most I paid on this fraudulent account was \$150 or lower.

Starting Jan 10, 2018 G. Briggs mailed Mr. Curbow a child support billing statement. This statement shows no back support ordered for case#1108150 for \$41,647.44. However, internal department payments showing Mr. Curbow's check being split between both cases.

Feb 5, 2018, same statement.

March 5, 2018, same statement.

April 3, 2018, same statement.

May 1, 2018, same statement.

June 1, 2018, same statement.

July 2, 2018, same statement

Aug 31, 2018, same statement however the amount of case#1108150 was down since February.

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Claim #3.

George Briggs, enforcement officer 2018 timeframe. In a back and forth tug of war between the credit bureaus and DCS over who was to blame for the wrong reporting, 27 disputes starting in 2017, Mr. Briggs stated in an email conversation with Mr. Curbow that he had talked with the supervisor that handles the consumer dispute forms. She said (don't know who she is, they won't tell me) that we just confirm the balance and that payments are being made. The credit agencies don't give us a field to confirm the monthly order amount. She said we can't change the fields.

Both are lies. Mr. Briggs then responds by I guess your back dealing with Experian. Mr. Curbow again disputed both accounts for over 2 years and according to DCS Mr. Curbow would have to keep doing it as long as the accounts remained open badly damaging his credit for the rest of his life.

Again, Mr. Curbow is entitled to relief and Mr. Briggs should be relieved of his duties at the Division of Child Support.

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Claim #4.

Darcie Cooper, enforcement officer 2020, child support case issues. In an email conversation, Mr. Curbow over the internet to DCS, Community Relations Unit Subj: Form submission, Mr. Curbow says VA Home Loan Specialists are asking for history paperwork on why I have these accounts. I have purchased a house; this is for my financial records. Please email. Again this month...(AGAIN)..this month you're also reporting I pay 47K a month in child support..if you could explain this also it would be appreciated.

Ms. Cooper responds please see attached debt calculations for both cases. The cases are arrears/past due support so the reporting would be the total owed.

Under claim #3 Mr. Briggs and his supervisor says there's no field for the payment; disputed by all three (3) credit bureaus in which they claim that is false, Ms. Cooper states the reporting would be the total owed. These facts explain why one month Mr. Curbow would dispute the wrong payments being reported, 35 days later DCS would submit the correct payments under the dispute but 30 days later the total amount of the payment would revert back to the balance as his monthly payment again damaging his credit.

Ms. Cooper lied knowing that these figures could be fixed inside the eOscar system in which she has access. All other accounts that Mr. Curbow got after 2017 all report perfect payments and the amount.

Again, Mr. Curbow is entitled to relief and Ms. Cooper should be relieved of her duties at the Division of Child Support.

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### Claim #5.

In Jan/Feb/Mar of 2019 I was upset over the fact that every other month I had to dispute what DCS was reporting. DCS was blaming the credit bureaus. The credit bureaus were saying no way, it's them. On or around mid Dec/Jan, I called my enforcement officer who I believe was Mr. Briggs however Mr. Briggs was on vacation. Mad as I was, I left a message stating I was getting a lawyer and this is going to court. It wasn't long after that I received a phone call from his assistant who put me in touch with Kris Lindor, enforcement officer, not mine.

In an email conversation with Mr. Lindor, I calmly stated the problems I was having. Mr. Lindor states I have received your three disputes and have responded accordingly. He updated the monthly payment field to \$41.

Remember; claim #3 and #4 said that was impossible.

Note: Even though he was helping, the \$41 payment was for the other account. The account in question here never went before a judge, we both agreed on \$50 payments.

He goes on to say the credit bureaus' system must default to the total balance owed because the amount in that field keeps updating to the new outstanding balance. The credit bureaus ask for the info on the first Sat and the last Sat each month, they dispute this claim.

The responsibility lies with DCS to make sure all reporting is correct and accurate, Mr. Lindor does not work for the credit bureaus and his opinion here was unfounded.

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Claim #6.

Mr. Lindor over a series of emails continues to defend DCS and their reporting until around Mar 1 “Experian just told you sent another wrong report. What is going on?”

Mr. Lindor..and there we have it. Thank you for the information. I have entered into the eOscar system and sent an update to all four credit bureaus. The update identified the amount of \$39,884 as the current balance and \$41 as the payment..(again, wrong account). I’d give this a few weeks to be reflected.

Six (6) minutes, I logged into Experian and it was changed. The following month however it reverted back again.

Mr. Lindor who was not my enforcement officer but was willing to help actually exposed DCS and all their lies. However, what Mr. Lindor should have done was red flagged my account and reported it to his supervisors for corrections. Upper management to my knowledge knows nothing of my case and you’d expect they would after 26 years.

Again, Mr. Curbow is entitled to relief and Mr. Lindor should be congratulated for his communication skills with non-clients. However, after our last communication I sent several more emails that went unanswered. Mr. Lindor or his supervisors I’m sure found out I was contacting attorneys and severed all communications. Shortly thereafter, I was awarded a new enforcement officer also. Coincidence, doubtful.

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## RELIEF

Mr. Curbow requests the court under a jury award all of the \$100 Million dollars requested. Federal agencies, federal officers, and federal employees can't hide behind the word federal. Untouchable isn't the right answer when it comes to someone's life.

Numerous attempts by Mr. Curbow since 2017 to fix the problems went unanswered with tons of blame to go elsewhere. The defendants listed and DCS Agency had a duty to properly obey state laws and their failure to do so is criminal. Hence the reason why nobody has come forward to help and better to let it run its course as to not claim responsibility for creating the intentional infliction upon Mr. Curbow.

Since 2009, Mr. Curbow has tried to use his VA Loan on more houses than he can count. In trying to obtain housing in 2010 after having a child, Mr. Curbow had to rely on the Vet Affairs Fund of Oak Harbor just to rent a trailer. In 2015 and living in that trailer with rats and mold, Mr. Curbow's family lost almost all possessions. The Vet Fund again had to move the Curbow's next door. That trailer in 2020 was demolished. In 2017, during the tug of war between the credit bureaus and DCS Mr. Curbow obtained some credit after years of trying. But when Mr. Curbow sent a Cease and Desist order in 2021, DCS took it personal and closed both cases without it going before a judge. To make matters worse, they claim now it's an internal collection. With that internal collection Mr. Curbow again can't buy a home using his VA. Mr. Curbow never..never said even during all of this happening only asked DCS if they would report his account correctly. Even after all the years of being buried, all Mr. Curbow asked was please correct your

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wrongs. DCS ignored his pleas and today have made them even worse. And during these years of agony Mr. Curbow had to rely on vehicles from your job is your credit. Mr. Curbow's credit today shows those vehicles never made it past one month and are now charge offs hurting him even more. That's why Mr. Curbow is entitled to all the relief being asked for. The last 13 years have been hell.

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Defendant #5

Name: Chris Lindor

Job Title: Enforcement Officer

Street Address: P.O. Box 11520

City and County: Tacoma

State and Zip Code: Wa 98411-5520

Telephone Number: 1-800-729-7580

Down Curbow  
4544 ALAMO WAY OAK HARBOR WA 98277  
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